

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DATE FILED: 6/28/2021

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JARED SEARLES,	:	
	:	
Plaintiff,	:	
	:	21-CV-5395 (VEC)
-against-	:	
	:	<u>ORDER</u>
METROPOLITAN CORRECTIONAL CENTER	:	
AND FEDERAL BUREAU OF PRISONS,	:	
	:	
Defendants.	:	
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VALERIE CAPRONI, United States District Judge:

WHEREAS on June 18, 2021, Plaintiff filed a complaint asserting claims for (1) state law assault and battery, (2) negligence and negligent hiring/training/retention/entrustment, and (3) intentional infliction of emotional distress against Defendants Metropolitan Correctional Center and Federal Bureau of Prisons, *see* Dkt. 1;

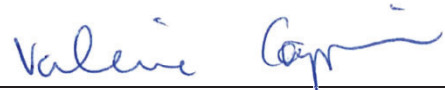
WHEREAS Plaintiff asserts his claims pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b), 2671 *et seq.*, *see* Dkt. 1; Dkt. 1-1; and

WHEREAS “[u]nder the FTCA, sovereign immunity is only waived where the United States is named as a party,” *Saar v. U.S. Dep’t of Just.*, 705 F. Supp. 999, 1003–04 (S.D.N.Y. 1989) (citing *Myers & Myers Inc. v. U.S. Postal Serv.*, 527 F.2d 1252, 1256 (2d Cir. 1975));

IT IS HEREBY ORDERED that, to the extent Plaintiff seeks to advance claims pursuant to the FTCA for alleged torts committed by employees of the Metropolitan Correctional Center and Federal Bureau of Prisons for acts committed in their official capacity as employees of the U.S. government, not later than **July 6, 2021**, Plaintiff must amend his complaint to substitute the United States of America as the Defendant in this action.

SO ORDERED.

**Date: June 28, 2021
New York, NY**



**VALERIE CAPRONI
United States District Judge**